

UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS

SANDY J. BATTISTA,  
Plaintiff,

vs.

KATHLEEN M. DENNEHY, Comm'r., et al.,  
Defendant's.

C.A.No.05-11456-DPW.

PLAINTIFF'S MOTION FOR CONSOLIDATION OF EVIDENTIARY HEARING  
ON PRELIMINARY INJUNCTION WITH TRIAL ON THE MERITS

Plaintiff, Sandy J. Battista, acting pro-se in the above captioned matter, respectfully moves this court, pursuant to Fed.R.-Civ.P. 65(a)(2), for an Order consolidating the evidentiary hearing on her pending application for a TRO, and/or in the alternative, for preliminary injunction, with the trial on the merits. As grounds, Plaintiff states:

1) A substantial part of the evidence offered on Plaintiff's application for preliminary injunctive relief will be relevant to the merits and will be presented in such a form as to qualify for admission at the trial proper.

2) Such evidence will include, but not limited to: (a) professional medical explanation of the clinical proprieties of [Cognitive Behavioral Modification Therapy]; (b) whether Plaintiff's "gender issues" have been determined to be [a necessary and therapeutic component of her sex offender therapy]; (c) whether Defendants, upon receiving the Fenway Report in November of 2004 made arrangements to put the treatment recommendations into effect, by arranging for medical professionals to prescribe an

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appropriate medical prescription, as well as having the Treatment Center's in-house physician fill said prescription; and (d) whether Plaintiff has and will continue to suffer "irreparable harm" as a result of Defendant's interference with her prescribed treatment.


3) Repetition of evidence will be avoided and no delay in the disposition of the application for preliminary injunctive relief will result from consolidation, as well as the final disposition of the action will be expedited.

4) No prejudice will befall any of the Defendants by the allowance of this motion.

WHEREFORE, it is prayed that this court ALLOWs this motion and it's order issue as outlined above.

Dated: 8/5/05.

Respectfully submitted,

  
Sandy J. Battista, #M-15930  
Plaintiff/Pro-se  
Mass. Treatment Center  
30 Administration Rd.  
Bridgewater, Mass. 02324-3230

CERTIFICATE OF SERVICE

I, Sandy J. Battista, Plaintiff, acting pro-se in the enclosed matter, on oath, hereby certify's that I have today mailed a true and accurate copy of the within document on each counsel of record for the Defendant's, separately, via first class mail, postage prepaid, by hand/mail.

Dated: 8/5/05.

  
Sandy J. Battista, #M-15930  
Plaintiff/Pro-se